

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY

RE: FINAL DESIGNATION OF REDEVELOPER
APPROVAL OF FINAL WORKING DRAWINGS AND SPECIFICATIONS
AND PROPOSED DISPOSITION OF PARCEL RR-67, RR-82, SE-48
AND SE-47 IN THE URBAN RENEWAL AREA
PROJECT NO. MASS. R-56

WHEREAS, the Boston Redevelopment Authority, (hereinafter referred to as the "Authority"), has entered into a contract for loan and capital grant with the Federal Government under Title 1 of the Housing Act of 1949, as amended, which contract provides for financial assistance in the hereinafter identified Project; and

WHEREAS, the Urban Renewal Plan for the South End Urban Renewal Area, Project No. Mass. R-56, (hereinafter referred to as the "Project Area"), has been duly reviewed and approved in full compliance with local, State and Federal law; and

WHEREAS, the Authority is cognizant of the conditions that are imposed in the undertaking and carrying out of urban renewal projects with Federal financial assistance under said Title 1, including those prohibiting discrimination because of race, color, sex, religion or national origin; and

WHEREAS, UDC Real Property Corporation has expressed an interest in and/or have submitted a satisfactory proposal for the development of Disposition Parcel RR-67, RR-82, SE-48 and SE-47 in the South End Urban Renewal Area; and

WHEREAS, the Authority is cognizant of Chapter 30, Sections 61 through 62H of the Massachusetts General Laws, as amended, with respect to minimizing and preventing damage to the environment:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That UDC Real Property Corporation be, and hereby is, finally designated as Redeveloper of Parcel RR-67, RR-82, SE-48 and SE-47 in the South End Urban Renewal Area.
2. That it is hereby and determined that the UDC Real Property Corporation possesses the qualifications and financial resources necessary to acquire and develop the land in accordance with the Urban Renewal Plan for the Project Area.
3. That disposal of said Parcel by negotiation is the appropriate method of making the land available for redevelopment.
4. That the Final Working Drawings Specifications submitted by UDC Real Property Corporation for the development of Parcel RR-67, RR-82, SE-48 and SE-47 conform in all respects to the Urban Renewal Plan for the Project Area, and that said Final Working Drawings and Specifications be and hereby are approved.

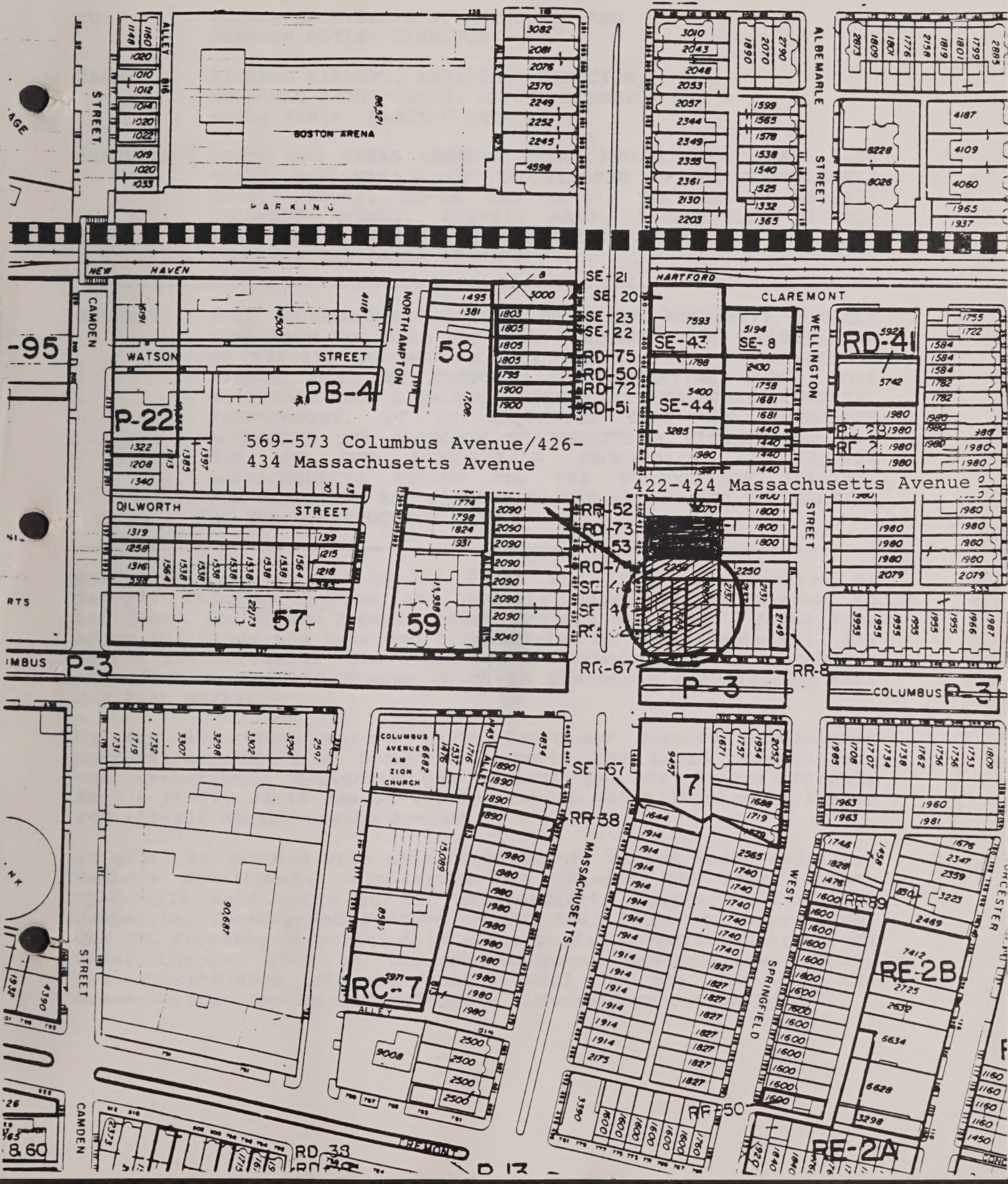
5. That it is hereby found and determined that the proposed development will not result in significant damage to or impairment of the environment, and further, that all practicable feasible means and measures have been taken and are being utilized to avoid or minimize damage to the environment.

6. That the Director be, and hereby is, authorized to execute and deliver a license agreement with UDC Real Property Corporation for the use of the Authority's properties at 422-424 Massachusetts Avenue for the purpose of staging, for repairing and repointing the walls, and for parking by the construction crew. Furthermore, said License Agreement shall include the additional provisions that the Authority receive primary insurance coverage.

7. That the Director is hereby authorized for and in behalf of the Boston Redevelopment Authority to execute and deliver a Land Disposition Agreement and Deed conveying Parcel RR-67, RR-82, SE-48 and SE-47 to UDC Real Property Corporation, said documents to be in the Authority's usual form.

8. That the Secretary is hereby authorized and directed to publish notice of the proposed disposal transaction in accordance with Section 105(E) of the Housing Act of 1949, as amended, including information with respect to the "Redeveloper's Statement for Public Disclosure" (Federal Form H-6004).

9. That the Authority adopt a Confirmatory Order of Taking regarding reuse Parcels RR-67, RR-82, SE-48 and SE-47 for the purpose of converting these four buildings into a unified commercial retail complex.



MEMORANDUM

no opt
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JUNE 4, 1987

TO: BOSTON REDEVELOPMENT AUTHORITY AND
STEPHEN COYLE, DIRECTOR

FROM: RICARDO MILLETT, ASSISTANT DIRECTOR,
MUHAMMAD ABDUS-SABUR, DEPUTY DIRECTOR AND
MARIA FARIA, PROJECT MANAGER

SUBJECT: SOUTH END URBAN RENEWAL AREA, PROJECT NO. MASS. R-56
FINAL DESIGNATION OF REDEVELOPER OF RE-USE PARCELS
RR-67, RR-82, SE-48 AND SE-47, LOCATED AT 569-573
COLUMBUS AVENUE, 426-434 MASS. AVENUE AND LICENSE
AGREEMENT ON 422-424 MASSACHUSETTS AVENUE
CONFIRMATORY ORDER OF TAKING

SUMMARY: THIS MEMORANDUM REQUESTS THAT THE AUTHORITY FINALLY
DESIGNATE UDC REAL PROPERTY CORPORATION AS REDEVELOPER
OF 569-573 COLUMBUS AVENUE AND 426-434 MASSACHUSETTS
AVENUE FOR THE PURPOSE OF CONVERTING THESE FOUR
BUILDINGS INTO A UNIFIED COMMERCIAL AND RETAIL COMPLEX.
FURTHERMORE, IT IS REQUESTED THAT THE AUTHORITY
AUTHORIZE THE DIRECTOR TO EXECUTE A LICENSE FOR THE
USE OF THE AUTHORITY'S PROPERTIES AT 422-424
MASSACHUSETTS AVENUE FOR THE PURPOSE OF STAGING,
FOR REPAIRING AND REPOINTING THE WALLS, AND FOR PARKING
BY THE CONSTRUCTION CREW.

Re-Use Parcels RR-67, RR-82, SE-48 and SE-47 are located at
569-573 Columbus Avenue and 426-434 Massachusetts Avenue in
the South End Urban Renewal Area, Project No. R-56. These four
brick buildings are four and five stories on approximately 11,464
square feet of land. The buildings are vacant with the exception
of 430 Massachusetts Avenue which is presently occupied by Back
Bay Fish Market.

On May 21, 1985, United South End/Lower Roxbury Development
Corporation (UDC), a non-profit, South End based corporation,
was tentatively designated as redeveloper of Re-Use Parcels
RR-67, RR-82, SE-48 and SE-47, located at 569-573 Columbus Avenue
and 426-434 Massachusetts Avenue.

In order to proceed with this development, United South End/Lower
Roxbury Development Corporation has changed the legal entity
that will hold title to the Massachusetts Square Station Area
Commercial Development Project to UDC Real Property Corporation.
The UDC Property Corporation is a for-profit corporation organized
under Chapter 156B of the Massachusetts General Laws (MGL).
The stockholders of the entity will be the UDC and the
Massachusetts Community Development Finance Corporation (CDFC).

On September 12, 1985, UDC Real Property Corporation was granted permission for early entry to the premises. The John B. Cruz Construction Company has cleaned out the buildings, removing the fire damaged materials and other debris. Subsequently, UDC's architects were able to obtain accurate measurements in order to produce working drawings and realistic construction estimates.

The work was completed by Cruz Construction at a cost of \$73,000 which has been reviewed and approved by Authority staff. In addition, the asbestos has been removed from the buildings at a cost of approximately \$23,000.

The proposal calls for the development of Massachusetts Square which consists of four brick buildings into a unified complex that will include a total of 40,692 square feet of rentable office and retail space. The renovated ground floor will include 10,127 square feet of retail, 3,906 square feet of basement office and 888 square feet of storage. The upper floors will include 25, 771 square feet of office space.

The Claremont Neighborhood Association has met with UDC to review Massachusetts Square project. UDC has agreed to work with the community to further ensure that the development of this project is successful.

On November 12, 1986, the court dismissed the case of Mario Nicosia vs. United South End/Lower Roxbury Development Corporation, et al. with prejudice. Subsequently Mario Nicosia, a partner in Wellington Court Limited Partnership, withdrew his complaint.

As of October 31, 1986, UDC has pre-leasing commitments of 23,259 square feet of the available 40,692 rentable square feet. To date, 16,259 square feet of office space and retail spaces have been pre-leased to minority, South End businesses, and to firms in which fifty percent (50%) of the employees are minorities. In order to assist Back Bay Fish Market in its relocation, UDC has decided to make a \$9,500 payment to the market. Massachusetts Square is expected to produce approximately 119 permanent jobs and 75 temporary construction jobs.

The total development cost has been estimated at \$4,796,229. UDC has firm financial commitments from the Coolidge Bank and Trust Co. for a construction loan and from the First American Bank For Savings for a permanent conventional loan at a total amount of \$2,433,229.00. UDC anticipates final approval from Massachusetts Government Land Bank for a commitment of a low interest, permanent loan of \$1,032,000, on June 4, 1987. UDC has received \$695,000 in the form of equity from the Federal Office of Community Services (OCS) under its Urban and Rural Community Economic Development Program and from the Massachusetts Community Development Finance Corporation (CDFC). The remaining

financing is through the Public Facilities Department's Home Loan Program for a low-interest loan for \$200,000 through the Loan to Encourage Neighborhood Development (LEND) Program and for a loan of \$175,000 from CDFC.

The architect for this project is Chia-Ming Sze Architect, Inc. R.E. Hill and Company, Inc. of Burlington is the marketing consultant and commercial leasing agent while UDC is the retail leasing agent. The real estate consultant is Greater Boston Community Development Inc. and Vertec Construction Company will be the general contractor. Furthermore, in compliance with all aspects and specifications of the Urban Renewal Plan, UDC has submitted final working drawings and specifications which have been reviewed and approved by the Authority's Design Department.

It is, therefore, recommended that UDC Real Property Corporation be finally designated as redeveloper of Parcels RR-67, RR-82, SE-48 and SE-47, located at 569-573 Columbus Avenue and 426-434 Massachusetts Avenue in the South End Urban Renewal Area for the purpose of converting these four buildings into a unified retail and commercial structure. It is further recommended that the Authority authorize the Director to enter into a License Agreement with UDC Real Property Corporation for the use of Parcels SE-1 and SE-115 located at 422-424 Massachusetts Avenue for the purpose of staging, for repairing and repointing the walls, and for parking by the construction crew.

An Appropriate Resolution is Attached.

DOCUMENT NO.
4905
6/4/87

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an Order of Taking dated **JUN 4 1987** relating to portions of the SOUTH END URBAN RENEWAL AREA, MASS. R-56, be executed together with a plan entitled, "Boston Redevelopment Authority, South End Urban Renewal Area, Project Mass. R-56, Boston Suffolk County, Massachusetts, Delivery Parcel Plan," Parcel RR-67, RR-82, SE-47 and SE-48, dated June 30, 1987 and made a part of these proceedings, a copy of which the Secretary shall cause to be recorded in the Office of the Registry of Deeds for the County of Suffolk.

A true copy

CERTIFICATE

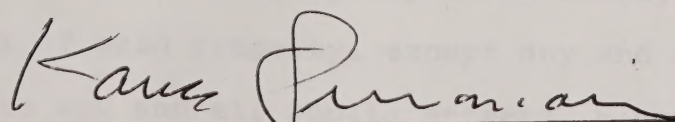
I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority:

Robert L. Farrell
Joseph J. Walsh
James K. Flaherty

Clarence J. Jones
Michael F. Donlan

A true copy

ATTEST:


Secretary of the Boston Redevelopment Authority

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.
BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, in accordance with G.L. c. 121B and its predecessor Statute G.L. c. 121, adopted and filed in the Suffolk County Registry of Deeds, Book 8056, page 295, an ORDER OF TAKING, dated June 30, 1966, concerning and describing the SOUTH END URBAN RENEWAL AREA, all of the findings, determinations and descriptions set forth therein being incorporated herein by reference and made a part hereof; and

WHEREAS, the Boston Redevelopment Authority has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by G.L. c. 79, s.40.

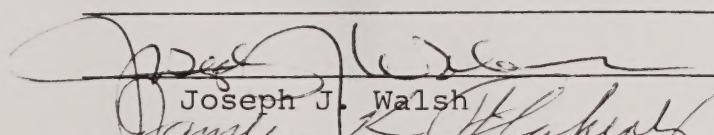
NOW, THEREFORE, BE IT ORDERED that the Boston Redevelopment Authority, acting under the provisions of said c. 121B, and all other authority thereunto enabling and pursuant the the applicable provisions of said c. 79, and of any and every power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain, for the purposes hereinbefore set forth or referred to, the area or areas located in the City of Boston as hereinafter described in ANNEX A, together with any and all easements and rights appurtenant hereto, including the trees, buildings and other structures standing upon or affixed thereto, and including the fee, if any, in all public streets, highways and public ways in said area or areas or contiguous and adjacent to the property taken hereby, provided such fee is a part of said property, except any and all easements of travel in and to any and all public streets, highways and public ways in said area or areas or contiguous and adjacent thereto and excepting any rights and easement in and to "Way 2" and "Way 3," shown on Land Court Plan #40643A, filed with Certificate #97395.

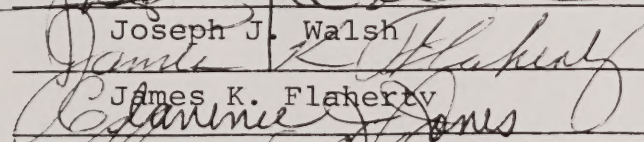
AND FURTHER ORDERED that in accordance with the provisions of said c. 79, as amended, awards are made by the Boston Redevelopment Authority for damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel described in ANNEX A and entitled to any damages by reason of the taking hereby made. The Boston Redevelopment Authority reserves the rights to amend the award at any time prior to the payment thereof by reason of a change in ownership or value of said property before the right to damages therefor has become vested or for other good cause shown. The awards hereby made are set forth in ANNEX B, which ANNEX B is not to be recorded in the Registry of Deeds with the Order of Taking.

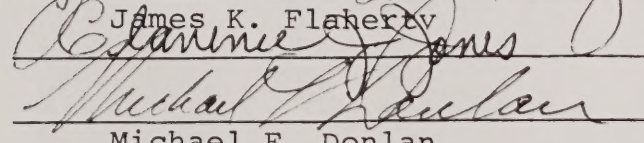
AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the Suffolk County Registry of Deeds.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have cause the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

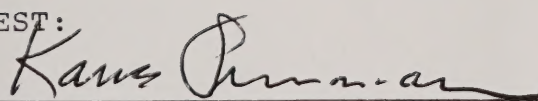
DATED: **JUN 4 1987** BOSTON REDEVELOPMENT AUTHORITY
By:



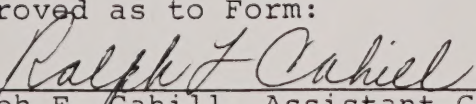
Joseph J. Walsh


James K. Flaherty


Michael F. Donlan

ATTEST:


Secretary of the Boston Redevelopment Authority

Approved as to Form:


Ralph F. Cahill, Assistant General Counsel

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY

SOUTH END URBAN RENEWAL AREA

TAKING AREA DESCRIPTION

The following parcels of land are to be taken by this Order of Taking:

Boston Redevelopment Authority Disposition Parcels RR-67, RR-82, SE-47 and SE-48, containing approximately 11,286 square feet of land, shown on a plan entitled, "Boston Redevelopment Authority, South End, Project Mass. R-56, Boston, Suffolk County, Massachusetts, Delivery Parcel Plan," Parcels RR-67, RR-82, SE-47 and SE-48, dated June 30, 1987, and prepared by Cullinan Engineering Co., Inc., Boston, Mass., which Plan is recorded herewith.

The owner of the above parcels of land hereby taken is unknown.

BOSTON REDEVELOPMENT AUTHORITY

AWARD OF DAMAGES

No awards are made with this Order of Taking.

